

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:17-cr-20640-1

HONORABLE STEPHEN J. MURPHY, III

v.

JVON CLEMENTS,

Defendant.

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**ORDER DENYING DEFENDANT'S
MOTION FOR COMPASSIONATE RELEASE [593]**

On June 24, 2020, Defendant Jvon Clements filed a motion for compassionate release. ECF 593. He sought compassionate release based on the ongoing COVID-19 pandemic. *Id.* The Court reviewed the motion and the Government's response, ECF 594, and finds that a hearing is unnecessary. *See* E.D Mich. LCrR 12.1(a); E.D. Mich. LR 7.1(f)(2). For the following reasons, the Court will deny Defendant's motion.

The compassionate relief provision of the First Step Act permits the Court to modify Defendant's sentence only if: (1) he exhausted all administrative remedies, or (2) he requested that the Bureau of Prisons ("BOP") bring a motion on his behalf and thirty days lapsed after his request. 18 U.S.C. § 3582(c)(1)(A). The exhaustion requirement is a "mandatory condition," and Defendant must "'fully exhaust[] all administrative rights to appeal' with the prison or wait 30 days after his first request to the prison." *United States v. Alam*, 960 F.3d 831, 833–34 (6th Cir. 2020) (quoting 18 U.S.C. § 3582(c)(1)(A)) (alterations in original). Here, Defendant admitted that he has not yet exhausted his remedies. ECF 593, PgID 7036–37. And the Court declines

Defendant's invitation to create an exception to the statutory requirement. *See Ross v. Blake*, 136 S.Ct. 1850, 1857 (2016) (When Congress provides a statutory exhaustion provision, "courts have a role in creating exceptions only if Congress wants them to."); *see also United States v. Alam*, No. 15-20351, 2020 WL 1703881, at *2 (E.D. Mich. Apr. 8, 2020) (collecting cases), *aff'd*, 960 F.3d 831 (6th Cir. 2020). The Court will therefore deny without prejudice Defendant's motion for compassionate release.

WHEREFORE, it is hereby **ORDERED** that Defendant's motion for compassionate release [593] is **DENIED**.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: July 16, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 16, 2020, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager